

## REMARKS

### A. Background

Claims 1-17 were pending in the application at the time of the Office Action. The Office Action objected to a previously filed Information Disclosure Statement and rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 9-17 were also rejected as being obvious over cited prior art. Claims 1 and 4-8 were either allowed or objected to as being dependent upon a rejected base claim. By this response Applicants have amended claims 2 and 9. As such, claims 1-17 are presented for the Examiner's consideration in light of the following remarks.

### B. Consideration of Previously Submitted IDS

The Examiner has suggested that there is an error in the recitation of dates on an Information Disclosure Statement previously submitted by the Applicants. The Office Action, however, makes no indication of which Information Disclosure Statement or prior art citation may be in error. In fact, each prior art reference submitted by the Applicants in the Information Disclosure Statements filed April 4, 2002 and April 14, 2003 has been initialed by the Examiner. In addition, Applicants' review of the filed Information Disclosure Statements shows no error in the recitation of the provided dates. That is, each date includes at least the month and year.

The Applicants therefore respectfully request the Examiner to more particularly identify any prior art citation that is in error. Applicants will promptly file a responsive Information Disclosure Statements upon receipt of such information. In addition, the Examiner is respectfully requested to contact the below signed if an additional copy of any reference is required.

C. Proposed Claim Amendments

Claims 2 and 9 have been amended to clarify the intended scope of the respective claimed embodiments of the invention. Applicants submit that amended claims 2 and 9 are supported by the specification, drawings, and claims of the application as originally filed. In particular, support for the amendment to claim 9 can be found at paragraphs 14, 41 and 42 of the specification and in Figures 3 and 4.

In view of the foregoing discussion, Applicants submit that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

D. Rejection on the Merits

Page 2 of the Office Action rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have noted the rejection and have amended claim 2 so as to address such rejection. As such, Applicants respectfully request that the rejection be withdrawn.

Page 3 of the Office Action indicated that claims 2 and 3 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Since base claim 1 is allowable and claim 2 has been amended to overcome the 35 U.S.C. § 112, second paragraph, rejection, Applicants submit that claims 2 and 3 are now in condition for allowance.

Page 3 of the Office Action rejected claims 9-17 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,102,503 to Hwang *et al.* ("Hwang") in view of the ordinary skill of one versed in the art. More particularly, the Office Action states that in Hwang, "the door is fixed in a

curved configuration by a fixer plate.” The Office Action goes on to state that “[i]t is well settled in case law that the elimination of an element and its function is an obvious matter of design choice for one having an ordinary skill in the art.” Finally, the Office Action states that “it would have been obvious at the time of the invention to have modified Hwang by eliminating the fixer plate and the fixed curve of the door allowing the door to conform to the curve of the cabinet frame in a closed position and to flatten when in the open position.”

Applicant respectfully traverses this rejection. The Hwang patent states that

[t]he present invention relates to a bendable shaping door plate device, especially to a door plate used in cabinets for accommodating TVs, stereos, and other home electronic appliances, or office supplies. In its pre-assembly state, the door plate appears flat, so that it takes less space and facilitates packaging and transportation. In assembly, the door plate device can bend and shape the door plate for the cabinet, so that the cabinet appears more visually pleasing with increased functionality.

Col. 1, lines 7-15.

To achieve the above objective, the Hwang patent expressly states that it is an “**object** of the present invention to provide a bendable shaping door plate device comprising a door plate having a plurality of grooves on one side thereof and a fixer plate for fixing horizontally to the grooved side of the door plate. . . . by fixing the fixer plate to the grooved side of the door plate, the bent door plate is fixed in the arc shape. Col. 1, lines 41 (emphasis added). Based on the disclosure of the Hwang patent, an object of the invention is to provide a flat flexible door which can be easily shipped in its flat state and then fixed into an arc shape using the fixer plate for final use.

It is well established that an invention cannot be modified to establish a *prima facie* obviousness rejection if the modification will destroy the intended function of the invention. Accordingly, because it is an intended function and object of the Hwang patent to provide a flexible door which is fixed in an arc shape using the fixer plate, applicant submits that it would not be

obvious to modify the Hwang patent to eliminate the fixer plate. As such, applicant submits that it would not be obvious to modify the Hwang patent to obtain a flexible door panel which is “resiliently deformable from a substantially flat configuration to a curved configuration corresponding to the curvature of the curved edge portions of the door frame such that in the closed configuration the door panel is adapted to adopt the curved configuration and in the open configuration the door panel is freely straightenable to the substantially flat configuration,” as recited in claim 9.

Furthermore, the Hwang patent discloses the door panel being hingedly mounted at a fixed location on a cabinet. Applicant submits that the Hwang patent does not disclose or suggest a flexible door panel that is “slidable relative to the door frame when in the open configuration,” as also recited in claim 9.

In view of the foregoing, applicant submits that claim 9 is not obvious over the Hwang patent.

Claims 10-17 depend from claim 9 and thus incorporate the limitations thereof. As such, Applicants submit that claims 10-17 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claim 9.

Claims 1 and 4-8 were considered allowable in the Office Action and thus are not discussed herein.

#### D. Conclusion

Applicants note that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, Applicants submit that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicants

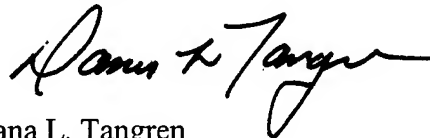
have merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, Applicants respectfully request the Examiner's reconsideration and allowance of claims 1-17 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 4<sup>th</sup> day of March 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana L. Tangren", with a stylized, flowing script.

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